

EXHIBIT 7

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Attorneys for Defendants

EPOCH EVERLASTING PLAY, LLC

and TARGET CORPORATION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WILLIENE JACKSON-JONES,
individually and on behalf of all others
situated, KAREN SANTOS, individually
and on behalf of all others situated,

Plaintiffs,

vs.

EPOCH EVERLASTING PLAY, LLC, a
Delaware limited liability company,
TARGET CORPORATION, a Minnesota
corporation, and AMAZON.COM
SERVICES LLC, a Delaware corporation,

Defendants.

Case No.: 2:23-cv-02567-ODW-SK

**DEFENDANT TARGET
CORPORATION RESPONSES TO
PLAINTIFFS'
INTERROGATORIES, SET ONE**

DEFENDANT TARGET CORPORATION RESPONSES TO PLAINTIFFS’
INTERROGATORIES

Defendant Target Corporation, by and through its undersigned counsel,
submits the following objections and responses to Plaintiffs’ Interrogatories.

PRELIMINARY STATEMENT

Target has conducted a diligent investigation to date and undertaken a good-faith effort to respond to the Interrogatories in a manner consistent with the Federal Rules of Civil Procedure. Target’s investigation of Plaintiffs’ claims and for information responsive to these Interrogatories is ongoing. Target therefore reserves the right to amend, supplement, correct, or clarify its responses, and to interpose additional objections if deemed necessary with subsequently discovered facts, witnesses, document, or things.

Target’s responses to any Interrogatory are without prejudice to any objections that it has asserted and/or may later assert at any hearing or trial in this action or in any other action.

To the extent these Interrogatories seek information that Target deems confidential, Target will provide such responsive information subject to, and only upon entry of, a protective order governing the production of confidential information relevant to the claims brought by Plaintiffs in this action. None of Target’s responses shall constitute an agreement to waive any protections provided by that protective order. Target objects to any request for confidential or proprietary information to the extent that disclosing such information cannot occur until the parties reach a joint protective order and the Court enters such a joint protective order.

Finally, Target objects to each Interrogatory to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, and/or other privileges, immunities, or legal protections against disclosure. Nothing contained herein is intended to be, nor shall in any way be construed as, waiving any attorney-

1 client privilege, work product doctrine, right to privacy, or any other applicable
2 privileges, immunities, or legal protections against disclosure.

3 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

4 1. Target objects to the Definition of “Class Period” as “January 1, 2017
5 through the present.” This date is beyond the applicable statute of limitations period
6 and is arbitrary. Target will provide information applicable to the period of time
7 relevant to the allegations of this action. Specifically, Target will provide
8 information applicable to the time period Plaintiffs have selected to define the
9 putative class: January 30, 2019 to present. Herein, wherever Plaintiffs’ Requests for
10 Production request information within the “Class Period,” any Target response will
11 be confined to the putative class time period of January 30, 2019 to present.

12 2. Target objects to the Definition of “Identify (with respect to a person)”
13 as overbroad and unduly burdensome, and for imposing a burden disproportionate to
14 the needs of the case, including because it seeks identification of the present or last
15 known place of employment. Target will respond as relevant pursuant to Rule 26(b)
16 of the Federal Rules of Civil Procedure.

17 3. Target objects to the Definition of “Calico Critters” and “Products” as
18 vague, ambiguous, overly broad, and unduly burdensome. Plaintiffs fail to refer with
19 any degree of certainty to which products “are at issue in this Action.” Target will
20 treat “Calico Critters” and “Products” as referring to those Calico Critters branded
21 products that contain a flocked figure.

22 4. Target objects to the Definition of “Plaintiffs” on the grounds that it
23 inaccurately identifies “Priscilla Herrera” as a plaintiff and fails to identify all
24 plaintiffs to this action. Target will construe “Plaintiffs” to include only the named
25 Plaintiffs in this action.

26 5. Target objects to the Definition of “You” and “Your” on the grounds
27 that it seeks information not in Target’s possession or requires Target to produce
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1 information and materials that are in the possession of entities or individuals other
2 than Target—including Target’s parents, predecessors, affiliates, and partners—or
3 that are equally available to Plaintiffs through other sources. Target will respond to
4 Interrogatories including “You” and “Your” on behalf of only Target.

5 6. Target objects to Instructions No. 10 as overbroad, unduly burdensome,
6 and seeking information that is irrelevant and disproportionate to the needs of the
7 case, including the request for the present or last known business address, occupation,
8 title, and employer, person and work email addresses, and current occupation, title,
9 and employer place of employment. Target will respond as relevant pursuant to Rule
10 26(b) of the Federal Rules of Civil Procedure.

11 **OBJECTIONS AND RESPONSES TO INTERROGATORIES**

12 **INTERROGATORY NO. 1:**

13 Please identify each and every person who provided information concerning
14 these responses to these Interrogatories, and for each person, please identify for
15 which Interrogatories that person provided information.

16 **OBJECTIONS/RESPONSE TO INTERROGATORY NO. 1:**

17 Target incorporates its General Objection and Objections to Definitions and
18 Instructions herein. Target objects to this Interrogatory as overbroad, unduly
19 burdensome, and irrelevant to the extent it seeks identification of in-house or outside
20 counsel for Target, and identification of which interrogatories each person provided
21 information for. That latter information is also protected by the attorney work
22 product doctrine and the attorney client privilege, and is beyond the requirements of
23 Rule 33 of the Federal Rules of Civil Procedure.

24 Subject to and without waiving the foregoing general and specific objections,
25 Target states that Tinzing Artmann is the authorized signatory of Target Corporation,
26 without any personal knowledge of any facts or circumstances surrounding this
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lawsuit, but declared responses to this discovery have been assembled by counsel and authorized employees of Target Corporation.

INTERROGATORY NO. 2:

Please identify all databases, electronic data sources, data repositories or other medium that contain or have contained documents or information concerning the advertising, marketing and/or packaging for the Products during the Class Period.

OBJECTIONS/RESPONSE TO INTERROGATORY NO. 2:

Target incorporates its General Objection and Objections to Definitions and Instructions herein. Target objects to this Interrogatory as overbroad, unduly burdensome, irrelevant to Plaintiffs' claims, and not proportional to the needs of the case, including because it seeks discovery on discovery. Further, in its motion to dismiss order, the Court interpreted the Small Parts Rule (16 C.F.R. § 1501.2) to mean that all flocked figures are automatically intended for children under the age of three. While Target disagrees with this ruling, so long as it remains in effect, the information sought through this Interrogatory is not relevant to Plaintiffs' claims and the Interrogatory is disproportionate to the needs of this case and unduly burdensome.

Subject to and without waiving the foregoing general and specific objections, Target does not believe it has any documents concerning the advertising, marketing, and/or packaging for the Products, other than what appears on the Calico Critters product pages on Target's website.

INTERROGATORY NO. 3:

Please describe your role in the marketing, advertising, distribution, and sale of the Products (including any role in the design in packaging) during the Class Period.

OBJECTIONS/RESPONSE TO INTERROGATORY NO. 3:

Target incorporates its General Objection and Objections to Definitions and Instructions herein. Target objects to this Interrogatory as overbroad, unduly burdensome, and irrelevant to Plaintiffs' claims. In its motion to dismiss order, the

1 Court interpreted the Small Parts Rule (16 C.F.R. § 1501.2) to mean that all flocked
2 figures are automatically intended for children under the age of three. While Target
3 disagrees with this ruling, so long as it remains in effect, the information sought
4 through this Interrogatory is not relevant to Plaintiffs' claims and the Interrogatory is
5 disproportionate to the needs of this case and unduly burdensome.

6 Subject to and without waiving the foregoing general and specific objections,
7 Target states that it does not market, advertise, or distribute the Products, and Target
8 has no role in the design of the packaging. Target provides a platform by which
9 Epoch Everlasting Play, LLC ("EEP") sells its products to customers. When
10 customers purchase Calico Critters Products on Target's website, EEP ships those
11 products directly to the consumer. Target has sold a very small quantity of Calico
12 Critters products through its physical stores in California. Those products were
13 initially purchased by customers through Target's website, then returned to a Target
14 store, then placed on the floor by Target, and then purchased by a customer.

15 **INTERROGATORY NO. 4:**

16 Please identify all persons you, or anyone acting on your behalf, has
17 interviewed concerning the allegations made in this lawsuit.

18 **OBJECTIONS/RESPONSE TO INTERROGATORY NO. 4:**

19 Target incorporates its General Objection and Objections to Definitions and
20 Instructions herein. Target objects to this Interrogatory as requesting information
21 protected by the attorney-client privilege, work-product doctrine, and seeking trial
22 preparation materials.

23 **INTERROGATORY NO. 5:**

24 How many units of the Products were sold in California during the Class
25 Period? Please provide this information (a) for each individual product SKU and/or
26 UPC, and (b) in the smallest increment possible (e.g. weekly, monthly, or quarterly).

OBJECTIONS/RESPONSE TO INTERROGATORY NO. 5:

Target incorporates its General Objection and Objections to Definitions and Instructions herein. Target objects to this Interrogatory as vague, ambiguous, overly broad, and unduly burdensome, including because Plaintiffs have failed to define what it means by “sold in California.”

Subject to and without waiving foregoing general and specific objections, Target states that it will provide—once a stipulated protective order has been entered by the Court—an exhibit showing sales data for all orders of Calico Critters products, identified through a reasonable search of Target’s records, containing a flocked figure that were shipped to addresses located in California between January 30, 2019 and December 31, 2023.

INTERROGATORY NO. 6:

How many units of the Products were sold in the United States during the Class Period? Please provide this information (a) for each individual product SKU and/or UPC, and (b) in the smallest increment possible (e.g. weekly, monthly, or quarterly).

OBJECTIONS/RESPONSE TO INTERROGATORY NO. 6:

Target incorporates its General Objection and Objections to Definitions and Instructions herein. Target objects to this Interrogatory as overbroad, unduly burdensome, and irrelevant to Plaintiffs’ claims in this action, as it seeks information regarding Target’s national sales despite Plaintiffs’ claims being limited to purchases by persons in California.

INTERROGATORY NO. 7:

What were the sales, in dollars, for the Products sold in California during the Class Period? Please provide this information (a) for each individual product SKU and/or UPC, and (b) in the smallest increment possible (e.g. weekly, monthly, or quarterly).

1 **OBJECTIONS/RESPONSE TO INTERROGATORY NO. 7:**

2 Target incorporates its General Objection and Objections to Definitions and
3 Instructions herein. Target objects to this Interrogatory as vague, ambiguous, overly
4 broad, and unduly burdensome on grounds that Plaintiffs have failed to define what it
5 means by “sold in California.”

6 Subject to and without waiving foregoing general and specific objections,
7 Target states that it will provide—once a stipulated protective order has been entered
8 by the Court—an exhibit showing sales data for all orders of Calico Critters products,
9 identified through a reasonable search of Target’s records, containing a flocked figure
10 that were shipped to addresses located in California between January 30, 2019 and
11 December 31, 2023.

12 **INTERROGATORY NO. 8:**

13 What were the sales, in dollars, for the Products sold in United States during
14 the Class Period? Please provide this information (a) for each individual product SKU
15 and/or UPC, and (b) in the smallest increment possible (e.g. weekly, monthly, or
16 quarterly).

17 **OBJECTIONS/RESPONSE TO INTERROGATORY NO. 8:**

18 Target incorporates its General Objection and Objections to Definitions and
19 Instructions herein. Target objects to this Interrogatory as overbroad, unduly
20 burdensome, and irrelevant to Plaintiffs’ claims in this action, as it seeks information
21 regarding Target’s national sales despite Plaintiffs’ claims being limited to purchases
22 by persons in California.

23 **INTERROGATORY NO. 9:**

24 Identify the date that each of Products were introduced into the United States
25 market for retail sale.
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OBJECTIONS/RESPONSE TO INTERROGATORY NO. 9:

Target incorporates its General Objection and Objections to Definitions and Instructions herein. Target objects to this Interrogatory as overbroad, unduly burdensome, and irrelevant to Plaintiffs' claims in this action, as it seeks information regarding Target's national distribution and supply chain despite Plaintiffs' claims being limited to purchases by persons in California. Target further objects that the information sought—dates products were introduced for retail sale—is irrelevant to Plaintiffs' claims. Target further objects that the request is overbroad, unduly burdensome, and not proportional to the needs of the case in that it seeks identification of dates each of the hundreds of Products at issue were introduced into the market for retail sale.

INTERROGATORY NO. 10:

State the name and address of any person, firm or entity that did the following with respect to the Products:

- a. Designed the Products;
- b. Performed any safety testing on the Products;
- c. Manufactured the Products;
- d. Distributed the Products for sale in the United States
- e. Marketed the Products for sale or distribution in the United States;

OBJECTIONS/RESPONSE TO INTERROGATORY NO. 10:

Target incorporates its General Objection and Objections to Definitions and Instructions herein. In its motion to dismiss order, the Court interpreted the Small Parts Rule (16 C.F.R. § 1501.2) to mean that all flocked figures are automatically intended for children under the age of three. While Target disagrees with this ruling, so long as it remains in effect, the information sought through this Interrogatory is not relevant to Plaintiffs' claims and the Interrogatory is disproportionate to the needs of this case and unduly burdensome.

1 Subject to and without waiving foregoing general and specific objections,
2 Target states that it is not the designer, manufacturer, tester, distributor, or marketer
3 of Calico Critters products, and does not know the name and address of the person,
4 firm or entity that performed these functions.

5 **INTERROGATORY NO. 11:**

6 Please state how you distribute the Products in the United States and identify
7 all persons and/or entities who obtain ownership, possession, or control of the
8 products from the time it leaves your possession until it is delivered.

9 **OBJECTIONS/RESPONSE TO INTERROGATORY NO. 11:**

10 Target incorporates its General Objection and Objections to Definitions and
11 Instructions herein. Target objects to this Interrogatory as overbroad, unduly
12 burdensome, and irrelevant to Plaintiffs' claims. In its motion to dismiss order, the
13 Court interpreted the Small Parts Rule (16 C.F.R. § 1501.2) to mean that all flocked
14 figures are automatically intended for children under the age of three. While Target
15 disagrees with this ruling, so long as it remains in effect, the information sought
16 through this Interrogatory is not relevant to Plaintiffs' claims and the Interrogatory is
17 disproportionate to the needs of this case and unduly burdensome. Further, this
18 Interrogatory seeks information regarding Target's national distribution and supply
19 chain despite Plaintiffs' claims being limited to products purchased in California.

20 Subject to and without waiving foregoing general and specific objections,
21 Target refers to its objections and response to Interrogatory No. 3, which it
22 incorporates herein by reference.

23 **INTERROGATORY NO. 12:**

24 Identify any other incidents, similar to the one made the basis of this suit,
25 where any person has claimed or alleged injury or death caused by aspiration,
26 choking, inhalation or ingestion of any of the Products. For each incident identified
27 please provide the following:
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- a. The date of the alleged injury or death;
- b. The identity of the Product involved;
- c. The identity of the party alleging injury.
- d. A brief statement of the allegations that led to the injury or death.

OBJECTIONS/RESPONSE TO INTERROGATORY NO. 12:

Target incorporates its General Objection and Objections to Definitions and Instructions herein. Target objects to this Interrogatory as overbroad, unduly burdensome, and irrelevant to Plaintiffs' claims. In its motion to dismiss order, the Court interpreted the Small Parts Rule (16 C.F.R. § 1501.2) to mean that all flocked figures are automatically intended for children under the age of three. While Target disagrees with this ruling, so long as it remains in effect, the information sought through this Interrogatory is not relevant to Plaintiffs' claims and the Interrogatory is disproportionate to the needs of this case and unduly burdensome. Target further objects to the phrase "other incidents, similar to the one made the basis of this suit" as undefined, vague, and ambiguous. Target further objects to this Interrogatory as overbroad, unduly burdensome, and irrelevant to Plaintiffs' claims, including because Plaintiffs' claims are not based on any personal injuries suffered by Plaintiffs or anyone else; Plaintiffs' alleged injuries are purely economic.

INTERROGATORY NO. 13:

Provide all information related to the March 9, 2023, recall of all Calico Critters Animal Figures and Sets sold with Bottle and Pacifier accessories, referred to at <https://epocheverlastingplay.com/recalls/calico-critters/>, including the following:

- a. The identities of all persons who contacted you in response to the recall.
- b. The product(s) or accessor(ies) each such person submitted for recall.
- c. The receipts and photographs each such person submitted in response to the recall.

- 1 d. A description, including the retail price, of the replacement product(s) or
2 accessor(ies) you provided to each such person
3 e. Any monetary compensation you provided to each such person as part of
4 the recall.

5 **OBJECTIONS/RESPONSE TO INTERROGATORY NO. 13:**

6 Target incorporates its General Objection and Objections to Definitions and
7 Instructions herein. Target further objects to this Request for Production as seeking
8 identities and contact information of class members prior to class certification, as
9 such information is irrelevant to any issues prior to the class certification. Target
10 further objects to this Request as it seeks consumers' personal data and information
11 without a protective order entered by the Court to ensure appropriate treatment of
12 such confidential information. Target further objects that the information sought is
13 irrelevant to Plaintiffs' claims.

14 Subject to and without waiving foregoing general and specific objections,
15 Target states that the public recall announcement directed consumers to contact EEP
16 and submit information to EEP in order to receive a replacement accessory from EEP.
17 Target does not know the identities of the persons who contacted EEP in connection
18 with the recall, what information those persons submitted to EEP, and what EEP
19 provided to those persons.

20 **INTERROGATORY NO. 14:**

21 Identify any and all international markets where the Products have been
22 distributed or sold for the years 2017 through the present time.

23 **OBJECTIONS/RESPONSE TO INTERROGATORY NO. 14:**

24 Target incorporates its General Objection and Objections to Definitions and
25 Instructions herein. Target objects to this Interrogatory as overbroad, unduly
26 burdensome, and irrelevant to Plaintiffs' claims in this action, as it seeks information
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1 regarding Target's international sales despite Plaintiffs' claims being limited to
2 purchases by persons in California.

3 **INTERROGATORY NO. 15:**

4 Identify all members of your governing body, from January 1, 2017 to the
5 present date, and the dates each identified person served as a member of your
6 governing body.

7 **OBJECTIONS/RESPONSE TO INTERROGATORY NO. 15:**

8 Target incorporates its General Objection and Objections to Definitions and
9 Instructions herein. Target objects to the term "governing body" as undefined, vague,
10 and ambiguous. Target further objects to this Interrogatory as overbroad, unduly
11 burdensome, and irrelevant to Plaintiffs' claims. The identities of the members of
12 Target's "governing body" have no bearing on Plaintiffs' claims
13

14 Dated: January 19, 2024

ARNOLD & PORTER KAYE SCHOLER LLP

16 By: /s/ James F. Speyer

17 James F. Speyer

18 Ian S. Hoffman

19 Attorneys for Defendants

20 EPOCH EVERLASTING PLAY, LLC and

TARGET CORPORATION

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

WILLIENE JACKSON-JONES, *et al.*,
on behalf of themselves and all others
similarly situated,

Plaintiff,

v.

EPOCH EVERLASTING PLAY, LLC,
a Delaware limited liability company,
TARGET CORPORATION, a
Minnesota corporation, and
AMAZON.COM SERVICES LLC, a
Delaware corporation,

Defendant.

CASE NO. 2:23-cv-02567-ODW-SK

VERIFICATION

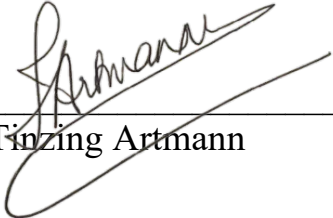
Tinzing S. Artmann, Lead Paralegal of Target Enterprise, Inc., after being duly sworn on oath, states that she is an authorized signatory of Target Corporation, a Defendant named in the above-entitled cause, and that she verifies the foregoing Target Corporation's Responses to Plaintiff's Interrogatories, Set One and on behalf of said Defendant and is duly authorized to do so; and that certain of the matters stated in the Corporation's Responses to Plaintiff's Interrogatories, Set One are not within the personal knowledge of signatory and that signatory is informed that there is no Officer or Managing Agent of the

Defendant who has personal knowledge of such matters; that the facts stated in said Responses have been assembled by authorized employees and counsel of Defendant, and signatory is informed that the facts stated in said Responses are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 1/19/2024

Signature:



Tinzing Artmann

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of January, 2024, I served the foregoing document via e-mail, per agreement of the parties, on the following:

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Dated: January 19, 2024

ARNOLD & PORTER KAYE SCHOLER LLP

By: /s/ Ian S. Hoffman

Ian S. Hoffman

Attorney for Defendants

EPOCH EVERLASTING PLAY, LLC and
TARGET CORPORATION